

**THIS IS AN ATTEMPT TO COLLECT A DEBT.  
ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

DEUTSCHE BANK NATIONAL TRUST  
COMPANY AS TRUSTEE FOR THE REGISTER  
HOLDERS OF MORGAN STANLEY ABS                   CASE NUMBER:  
CAPITAL I INC. TRUST 2007-NC4 MORTGAGE  
PASS THROUGH CERTIFICATES, SERIES  
2007-NC4

**PLAINTIFF**

vs.

**DISTRICT JUDGE:**

BEVERLY HOWARD, KENDALL COUNTY HOLDINGS LLC FKA LAKWOOD PRAIRIE LLC, LHI MORTGAGE, INC., MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC..

**MAGISTRATE JUDGE:**

**DEFENDANT(S).**

# **COMPLAINT TO FORECLOSE MORTGAGE**

Plaintiff, DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FOR THE REGISTER HOLDERS OF MORGAN STANLEY ABS CAPITAL I INC. TRUST 2007-NC4 MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2007-NC4, by Burke Costanza & Cuppy LLP, one of its attorneys, files its Complaint to foreclose a mortgage, states as follows:

1. Plaintiff files this Complaint to Foreclose the Mortgage hereinafter described.
  2. Jurisdiction of this Court is based on diversity of citizenship, 28 U.S.C. 1332. There is complete diversity and the matters in controversy, exclusive of interest and costs, exceed the sum of \$75,000.
  3. Plaintiff is a corporation incorporated under the laws of United States of America, and having its principal place of business in the State of New York.
  4. Defendant(s) is/are citizen(s) of the following State(s):  
Beverly Howard the State of IL
  5. The citizenship of other persons or entities joined as defendants is as follows:

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC - DE,  
KENDALL COUNTY HOLDINGS LLC FKA LAKEWOOD PRAIRIE LLC - IL,  
LHI MORTGAGE, INC. - IL,

6. Venue is proper in this District because the Mortgage at issue is secured by property located in this District and because a substantial part of the events or omissions giving rise to the claim occurred here. 18 U.S.C. § 1391.

7. Plaintiff, elected to accelerate the principal balance due, together with accrued interest, fees and costs, and confirms that election by the filing of this complaint.

8. Any pre-suit notice requirements have been met, and any and all grace periods have expired or have been waived.

9. Attached as Exhibit "A" is a copy of the Mortgage. Attached as Exhibit "B" is a true copy of the Note ("Note") secured thereby. Attached as Exhibit "C" is a copy of the Assignment of Mortgage.

10. Information concerning mortgage:

- a) Nature of instrument: mortgage
- b) Date of mortgage: 01/25/2007
- c) Name of mortgagor: Beverly Howard
- d) Mortgage Information:
  - i. Name of Original Mortgagee: LHI Mortgage, INC
  - ii. Name of Current Mortgagee: DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FOR THE REGISTER HOLDERS OF MORGAN STANLEY ABS CAPITAL I INC. TRUST 2007-NC4 MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2007-NC4
  - iii. Name of Current Loan Servicer: Ocwen Loan Servicing, LLC

e) Date and place of recording:

Recorded on 02/13/2007, in the Office of the Will County Recorder's Office

f) Identification of recording:

Document/Instrument No. 200700005134

- g) Interest Subject to Mortgage: Fee Simple
- h) Amount of Original Indebtedness:, including subsequent advances made under the mortgage: \$188,900.00
- i) Both the legal description of the mortgaged real estate and the common address or other information sufficient to identify it with reasonable certainty:

LOT 79 IN LAKEWOOD PRAIRIE UNIT 1A, BEING A RE-SUBDIVISION OF PART OF LAKEWOOD PRAIRIE UNIT 1, RECORDED JUNE 14, 2005 AS DOCUMENT NUMBER 200500016560, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER AND PART OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID LAKEWOOD PRAIRIE UNIT 1A, RECORDED MARCH 14, 2006 AS DOCUMENT NUMBER 200600007542. IN KENDALL COUNTY, ILLINOIS

More Commonly Known As: 856 Angelica Ct  
Joliet, IL 60431

Permanent Index No. 09-01-351-020

- j) Statement as to defaults: The Mortgage is in default due to the failure of the mortgagor(s) to pay the monthly installments of principal, interest, taxes, insurance and any other escrow items that may apply, from 01/01/2009 through the present. There remains an outstanding principal balance of \$185,774.18 with interest accruing on the unpaid principal balance at 7.772% per annum, plus attorney fees, foreclosure costs, late charges, advances, and expenses incurred by the Plaintiff as a result of the default.

- k) Name of present owner of the real estate:

Beverly Howard

- l) Names of other persons who are joined as defendants and whose interest in or lien on the mortgaged real estate is sought to be terminated:

That Mortgage Electronic Registration Systems, Inc. as nominee for LH1 Mortgage, Inc. is a party to this action by virtue of a Junior Mortgage between Beverly Howard, Mortgagor(s), and Mortgage Electronic Registration Systems, Inc. as nominee for WMC Mortgage Corporation, Mortgagee, dated January 25, 2007 and recorded February 13, 2007 as document number 200700005135 in the amount of \$47,200.00

That Kendall County Holdings LLC fka Lakewood Prairie LLC is a party to this action by virtue of a judgment entered against Beverly Howard

- m) Names of defendants claimed to be personally liable for deficiency, if any:

Beverly Howard

- n) Capacity in which Plaintiff brings this foreclosure: Plaintiff is the legal holder of the indebtedness given as security therefore.

- o) The redemption period terminates on one of the following dates, whichever is later:

If the Property is Residential Real Estate:

- (i) 7 months from the date the mortgagor [or, if more than one, all the mortgagors]
  - (I) have been served with summons or by publication or
  - (II) have otherwise submitted to the jurisdiction of the court; or
- (ii) 3 months from the entry of the judgment of foreclosure.

If the Property is Non-Residential Real Estate

- (i) 6 months from the date the mortgagor [or, if more than one, all the mortgagors]
  - (I) have been served with summons or by publication, or
  - (II) have otherwise submitted to the jurisdiction of the Court, if commercial real estate; or
- (iii) 3 months from the entry of the judgment of foreclosure,

Pursuant to the terms of the 735 ILCS 5/15-1603, the Court will determine the length of the redemption period upon making a finding, based on the facts and circumstances available to the Court at the time of judgment, that the property is either residential, non-residential, abandoned, or real estate of value less than 90 percent of amount owed.

p) Facts in support of request for attorneys' fees and of costs and expenses, if applicable:

Pursuant to the terms of the Note and Mortgage, the mortgagee is entitled to recover attorneys' fees, court costs, title costs, and other expenses, which plaintiff has been and will be required to expend in the prosecution of this foreclosure.

q) Facts in support of a request for appointment of mortgagee in possession or for appointment of receiver, and identity of such receiver, if sought:

Plaintiff reserves the right to file a separate Petition for Appointment of Mortgagee in Possession or Receiver, if applicable.

s) Plaintiff reserves the right to offer, in accordance with Section 15-1402 [735 ILCS 5/15-1402] to accept title to the real estate in satisfaction of all indebtedness and obligations secured by the mortgage without judicial sale.

t) Name or names of defendants whose right to possess the mortgaged real estate, after the confirmation of a foreclosure sale, is sought to be terminated and, if not elsewhere stated, the facts in support thereof:

Beverly Howard By virtue of being the Mortgagor(s) and/or Owners of record

**REQUEST FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests:

- A. Judgment of foreclosure and sale by the Sheriff of Will County or a Judicial Sales Officer appointed for that purpose.
- B. An order granting a shortened redemption period, if applicable.
- C. A deficiency judgment against only those Defendants/Obligors, who have not received an order discharging the subject debt in bankruptcy proceedings, or who are not currently involved in bankruptcy proceedings in which the stay has been modified for the sole purpose of foreclosing the subject lien.
- D. An Order granting possession if sought.
- E. An Order placing the mortgagee in possession or appointing a receiver, if sought.
- F. A judgment for attorneys' fees, costs and expenses, including but not limited to payments for taxes, insurance, securing, inspections and other expenses of the plaintiff, if sought.
- G. A finding that the interests of all named defendants are junior and subservient to the mortgage lien being foreclosed herein and the termination of leaseholds, if any.
- H. An Order enforcing its assignment of rents derived from the real estate, if applicable.
  - I. Such other and further relief as the Court deems just, including, but not limited to, declaratory and injunctive relief.

**ADDITIONAL REQUEST FOR RELIEF**

- J. A Sale by public auction.
- K. A cash sale by open bid.
- L. A provision that a Sales Officer, Sheriff of Will County, or special commissioner shall conduct the sale for a reasonable fee, which fee shall be recoverable by Plaintiff in the event of Redemption.
- M. An order that the title in the real estate may be subject, at the sale, to exceptions including general real estate taxes for the current year and for preceding years which have not become due and payable as of the date of entry of the judgment of foreclosure, any special assessments upon real estate, and easements and restrictions of record.
- N. That the plaintiff be entitled to recover in any reinstatement or redemption, any additional taxes paid, or advances paid for expenses including, but not limited to, insurance, inspection, boarding and securing said premises, or other expenses to preserve and protect said security.

Dated: June 24, 2010

Respectfully submitted,

/s/ Phillip A. Pluister

One of Plaintiff's Attorneys

PHILLIP A. PLUISTER #2654464

Burke Costanza & Cuppy LLP  
Attorneys for Plaintiff  
9191 Broadway  
Merrillville, IN 46410  
(219) 769-1313

## **IMPORTANT INFORMATION FOR HOMEOWNERS IN FORECLOSURE**

### **HOW TO SAVE YOUR PROPERTY - PLEASE READ - DO NOT IGNORE**

1. **POSSESSION:** The lawful occupants of a home have the right to live in the home until a judge enters an order for possession. In most cases, if you continue to live in your home, you will have at least nine(9) months before you have to move.
2. **OWNERSHIP:** You continue to own your home until the court rules otherwise.
3. **REINSTATEMENT:** As the homeowner you have the right to bring the mortgage current within 90 days after you receive the summons.
4. **REDEMPTION:** As the homeowner you have the right to sell your home, refinance, or pay off the loan during the redemption period, which is at least seven(7) months after you receive the summons.
5. **SURPLUS:** As the homeowner you have the right to petition the court for any excess money (i.e. If your home is sold for more than you owe) that results from a foreclosure sale of your home. In most cases you do not need an attorney to do this. The Chancery Division Advise Desk, Room 1303 of the Richard J. Daley Center, will assist you in preparing all the necessary papers at no charge. The Advice Desk is open Monday through Friday, 9:00 A.M. To 4:00 P.M.
6. **WORKOUT OPTIONS:** The mortgage company does not want to foreclose on your home if there is any way to avoid it. Call your mortgage company **Ocwen Loan Servicing, LLC** or its attorneys to find out the alternatives to foreclosure. To discuss your options, to obtain help in finding a lawyer or HUD-certified housing counselor, or to get assistance in filing an Appearance and an Answer, contact the Chancery Division Advise Desk, Room 1303 of the Richard J. Daley Center, will assist you in preparing all the necessary papers at no charge. The Advice Desk is open Monday through Friday, 9:00 A.M. To 4:00 P.M. This service is free. You may also be eligible for a free lawyer through the Access to Justice Program. Ask the Judge for a referral to an Access to Justice lawyer.
7. **PAYOFF AMOUNT:** You have the right to obtain a written statement of the amount necessary to pay off your loan. Your mortgage company (identified above) must provide you this statement within 10 business days of receiving your request, provided that your request is in writing and includes your name, the address of the property, and the mortgage account or loan number. Your first payoff statement will be free.
8. **GET ADVICE:** This information is not exhaustive and does not replace the advice of a professional. You may have other options. Get professional advice from a lawyer or HUD-certified housing counselor about your rights and options to avoid foreclosure.
9. **LAWYER:** If you do not have a lawyer, you may contact CARPLS Legal Aid Hotline at (312) 738-9200 for legal advice and referrals or visit the Advice Desk (see above). Or you may call the Chicago Volunteer Legal Services at (312) 332-1624 or the Legal Assistance Foundation of Chicago at (312) 341-1070.

10. **MEDIATION:** If you have steady income or significant equity in your home and need help in negotiating with your lender, ask the judge to refer your case to the Center for Conflict Resolution for mediation. Mediation is a process in which a neutral party facilitates communication and negotiation between you and the mortgage holder to assist you in reaching a voluntary agreement regarding the mortgage if possible. Mediation requires the appearance of both parties. This is an out-of-court procedure and lawyers are not required. However, you have the right to have your lawyer present.

11. **PROCEED WITH CAUTION:** You may be contacted by people offering to help you avoid foreclosure. Before entering into any transaction with persons offering to help you, please contact a lawyer, government official, or housing counselor for advice.

**(Rev. 1/02/09) CCCH 0100 B**

## **INFORMACION IMPORTANTE PARA PROPIETARIOS DE CASA EN PROCESO DE EJECUCION HIPOTECARIA COMO SALVAR SU CASA - POR FAVOR LEA - NO IGNORE**

1. **POSESION:** Los ocupantes legítimos en la vivienda tienen el derecho de vivir en la casa hasta que el juez emita por escrito una Orden de Posesión judicial. En la mayoría de los casos, si continúa viviendo en su hogar tendrá por lo menos nueve (9) meses antes que tenga que mudarse.
2. **TITULARIDAD:** Usted sigue como propietario de su casa hasta que el juez emita una decisión contraria.
3. **RESTABLECIMIENTO:** Como el propietario usted tiene el derecho de traer al corriente su hipoteca dentro de 90 días después de que usted recibe el Emplazamiento.
4. **REDENCION DE LA PROPIEDAD:** Como el propietario usted tiene el derecho de vender su casa, refinanciar, o pagar el total del préstamo durante el período de redención, que son por lo menos siete (7) meses después de recibir el Emplazamiento.
5. **EXCESO DE BIENES:** Como el propietario usted tiene el derecho de presentar una solicitud ante el tribunal para el exceso de dinero resultado de la venta de ejecución de su casa. En la mayoría de los casos usted no necesita un abogado para hacer esto. La Mesa de Consejo de la División de Chancery, localizada en el cuarto 1303 del Centro Richard J. Daley, le asistirá en preparar los documentos necesarios sin algún costo. El horario de La Mesa de Consejo es de lunes a viernes de 9:00 A.M. a 4:00 P.M.
6. **OPCIONES DE NEGOCIACION:** El prestamista hipotecario no quiere ejecutar sobre su casa si hay cualquier modo de evitarlo. Llame a su prestamista hipotecario **Ocwen Loan Servicing, LLC** o sus abogados para averiguar las alternativas a la ejecución hipotecaria. Para discutir otras opciones, obtener ayuda en buscar a un abogado o un consejero certificado por el Departamento de Vivienda y Desarrollo Urbano (HUD en inglés) o para obtener asistencia en entablar su Comparecencia en Juicio o Contestación a la Demanda, acuda a la Mesa de Consejo de la División de Chancery, cuarto 1303 del Centro Daley, lunes a viernes de 9:00 A.M. a 4:00 P.M. Este servicio es gratuito. Usted también puede ser elegible para que le otorguen un abogado gratuito mediante el Programa Acceso a Justicia (Access to Justice Program). Pídale al juez que lo refiera a un abogado del Programa.
7. **CANTIDAD DEL SALDO:** Usted tiene el derecho de obtener una declaración por escrita de la cantidad necesaria para pagar su préstamo. Su prestamista hipotecario (identificado arriba) debe proporcionarle esta declaración dentro de 10 días de haber recibido su petición, con tal de que su petición sea por escrito e incluya su nombre, la dirección de la propiedad y la cuenta de hipoteca o el número de préstamo. Su primera declaración del saldo será gratis.
8. **OBTENGA ASESORIA:** Esta información no es exhaustiva y no sustituye el consejo de un profesional. Usted puede tener otras opciones. Obtenga asesoría profesional de un abogado o de un consejero de vivienda certificado por HUD sobre sus derechos y opciones para evitar la ejecución hipotecaria.
9. **ABOGADO:** Si usted no tiene un abogado, puede acudir a la línea gratuita de CARPLS al

(312) 738-9200 para accesoría legal y referencias o visite la Mesa de Consejo (véase arriba). O puede comunicarse con "Chicago Volunteer Legal Services" al (312) 332-1624 o al "Legal Assistance Foundation of Chicago" al (312) 341-1070.

10. **MEDIACION:** Si tiene ingresos constantes o suficiente equidad en su casa y necesita ayuda negociando con su prestamista hipotecario, pídale al juez que refiera su caso al Centro para la Resolución de Conflicto para mediación. La mediación es un proceso en el cual una persona objetiva facilita el diálogo y la negociación entre usted y su prestamista hipotecario para asistirle, si es posible, en alcanzar un acuerdo voluntario con respecto a su hipoteca. La mediación requiere la participación de ambas partes. Esto es un procedimiento fuera del tribunal y no requiere abogado. Sin embargo, usted tiene el derecho de tener presente a su abogado.

11. **PROCEDA CON PRECAUCION:** Usted puede ser contactado por personas ofreciéndole ayuda para evitar la ejecución hipotecaria. Antes de entrar en cualquier transacción con personas ofreciéndole ayuda, por favor comuníquese con un abogado, representante gubernamental o consejero de vivienda para accesoría.

**(Rev. 1/02/09) CCCH 0100 C**

**FAIR DEBT COLLECTION PRACTICES ACT NOTICE**

The following Notice applies to: Beverly Howard:

1.BURKE COSTANZA & CUPPY LLP IS A DEBT COLLECTOR. THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

2.The name and address of the creditor that the law firm represents is:

DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FOR THE REGISTER HOLDERS OF MORGAN STANLEY ABS CAPITAL I INC. TRUST 2007-NC4 MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2007-NC4

1661 WASHINGTON ROAD

SUITE 100

WEST PALM BEACH, FL 33409

3.The debt that we are attempting to collect is described in the attached Complaint and Exhibits.

4.The total amount due on the debt, as of March 8, 2010, was \$215,456.12, Because of interest, late charges, and other charges that may vary from day to day, the amount due on the day you pay may be greater. Hence if you pay the amount state above, an adjustment may be necessary after we receive your check, in which event we will inform you before depositing your check. For further information, write our firm or call (219) 769-1313.

5.Unless you, within thirty days after receipt of this notice, dispute the validity of the debt, or any portion, thereof, we will assume that the debt described in this Complaint and attached Exhibits is valid.

6.If you notify our office in writing, within thirty days after receipt of this Notice, that the debt, or any portion thereof, is disputed, we will obtain a verification of the debt and a copy of the verification of the debt will be mailed to you.

7.If original creditor is not the creditor named as plaintiff in the Complaint, and you make a written request to BURKE COSTANZA & CUPPY LLP within thirty (30) days from the receipt of this Notice, we will mail the name and address of the original creditor to you.

8. Please note that the Summons issued to you by the Clerk of Court, provides that you must submit an Answer to the Court within 21 days of receipt of the Summons and Complaint. If, however, you dispute the debt, or any portion thereof, or you make a written request for the name and address of the original creditor, we shall cease our efforts to collect the debt until we mail you verification of the debt, or the name and address of the original creditor. We will also extend the time you have to file an answer until we provide the verification or additional information.

10.Written requests should be addressed to BURKE COSTANZA & CUPPY LLP, 9191 Broadway, Merrillville, IN 46410.